

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

<p>SIOUX RURAL WATER SYSTEM, INC., a Non-Profit Corporation</p> <p>Plaintiff,</p> <p>vs.</p> <p>CITY OF WATERTOWN, a South Dakota Municipality, and WATERTOWN MUNICIPAL UTILITIES, an agency of the CITY OF WATERTOWN</p> <p>Defendants.</p>	<p>Civ. 15-1023</p> <p>PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR PARTIAL SUMMARY JUDGMENT</p>
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Comes now the Plaintiff, Sioux Rural Water System, a non-profit corporation, [hereinafter “Sioux”], by and through one of its attorneys of record, Jeff Cole, and hereby respectfully moves the Court to enter an Order granting Sioux Summary Judgment or in the alternative Partial Summary Judgment pursuant to F.R.C.P. 56.

1. Sioux’s Motion for Partial Summary Judgment requests an injunction pursuant to 7 U.S.C. § 1926(b) and 28 U.S.C. §§ 2201 - 2202, as a matter of law, enjoining and prohibiting the City of Watertown from providing water service to Sioux’s current customers.

2. Sioux requests partial summary judgment on the issue of liability for Watertown’s violation of § 1926(b) by providing water service to three prospective customers within Sioux’s service territory on the east side of Watertown, and three new potential customers on the west side of Watertown near Pelican Lake, where it is

undisputed that Sioux had pipes in the ground and the ability to serve those prospective customers.

3. Sioux requests a partial summary judgment that a federally indebted rural water association, as defined by § 1926(b), is not required to provide fire protection in order to provide adequate service to a customer.

4. Sioux requests summary judgment as to the Defendants' affirmative defenses of estoppel, laches and waiver.

Dated this 7th day of November, 2016.

/s/ Jeff Cole

Jeff Cole

William D. Sims

ZIMMER, DUNCAN AND COLE, L.L.P.

5000 S. Broadband Lane, Suite 119

Sioux Falls, SD 57108

(605) 361-9840

jcole@zdclaw.com

bill@zdclaw.com

Attorneys for Plaintiff

Sioux Rural Water System